



Town of Arlington Zoning Board of Appeals

Meeting Minutes
Tuesday, October 27, 2015
7:45 PM

Present: Pamela Heidell, Chair , Suzanne Spinney, Roger DuPont and Christian Klein

Meeting Agenda

1. Docket #3478 39 Russell Street

The Petitioners and their counsel appeared before the Board and described their proposal to construct a large addition to the rear of their existing two-family house. The existing house, the Judge William Ellison Parmenter House is considered a significant property in the Russell Historic District. While the house was originally constructed as a single family residence in the mid-1860's, it had been sub-divided into two units in 1938. The Petitioner is proposing to convert the original house back to a single unit and have the addition serve as the second unit. The existing garage is to remain. Due to the location in an historic district, the Petitioner had been meeting with the Historic District Commission to create an addition harmonious with the existing house and district. After review and approval by the Commission, it was decided that an addition featuring a flat roof was most appropriate to "...minimize the impact of the proposed addition on the original, historic structure..." It was noted in the decision that the "...approved single story flat roof portion of the proposed structure may not be in compliance with the Town's breezeway bylaw, the Commission believes it is a better and more appropriate design..." (Here, the notice of a "breezeway bylaw" refers to the definition for a Duplex House in the Zoning Bylaw, which as stated below, would preclude the use of a breezeway to connect two individual buildings into a single building.) The proposal provides for the required four parking spaces by showing two vehicles in the existing garage and two vehicles in the driveway in front of the garage. The spaces in front of the garage are within the front setback, and cannot be considered as parking spaces under Section 8.07 - Parking in Residential Districts. The Applicant was encouraged to consider other options. The Applicant submitted additional documents to be submitted to the Board, but those were not made available before the hearing. A copy was shared with the Board at the hearing. The Applicant revised the proposed parking, showing the existing two spaces in the existing garage and two additional existing spaces within the front yard setback. While this does not conform with the zoning bylaw, it is a pre-existing nonconformity. The Board did not object to this interpretation. The Applicant presented revised plans for the existing house and proposed addition. The unit in the addition now includes a room within the existing first floor area of the existing house. Since this area is underneath the portion

of the unit located within the existing house, the combined proposal meets the definition of a Two-Family Dwelling in the zoning bylaw. The Board agreed with this assessment. At the close of this hearing the board unanimously voted to grant the petitioner a special permit with conditions.

SO VOTED: 4-0

2. Docket #3489 1 Pond Terrace

The Petitioners addressed how they planned to construct an addition to their home to accommodate a studio apartment, resulting in a conversion of their house to a two family dwelling. Pursuant to the zoning bylaw, two parking spaces are required per dwelling unit. Under existing conditions, two parking spaces are provided on the private way abutting 1 Pond Terrace, and it was indicated that per the statute, the abutter owns to the center line of the private way. The Petitioners' oral testimony and petition detailed the practical difficulties with providing an additional two spaces on their property, due to conditions related to shape of the lot, topography (a four foot grade difference between the back yard and the street), the existence of retaining walls which would need to be removed and rebuilt, and lack of room on the left side yard to accommodate a driveway. It was also noted that the left side yard provided greenery and a buffer between 1 Pond Terrace and the adjoining neighbor, who would be displeased if parking were to be provided in the left side yard. The Petitioners also noted threats to the integrity of the home's foundation. As an alternative to on-site parking, it was noted that long-term overnight parking by permit was available within 100 feet of 1 Pond Lane. They indicated this option allowed parking relief to be granted without substantial detriment to the public good, and therefore, they were requesting a Variance from the bylaw's parking requirement. The Board had questions pertaining to the proposed addition, since the Parking and Dimensional Information Form and the Gross Floor Area Worksheet showed several discrepancies. The Petitioners indicated that they had not hired an architect to design the addition, since they did not wish to spend money on architectural plans until it was determined that they could obtain the requested relief from parking. Regarding parking, the Board noted the high standard for a variance. A Board member suggested that a Special Permit under Section 8.11 of the Bylaw might be more appropriate, and all members agreed The Petitioners welcomed the suggestion to convert the Request for a Variance into a Request for a Special Permit. At the close of this hearing the board unanimously voted to grant the petitioner a special permit with conditions.

SO VOTED: 4-0

3. Docket #3490 170 Pheasant Avenue

The Petitioners Steve and Jennifer Wong appeared before the Board and described their proposal to add a two-story addition with a finished basement, to their home. The proposed addition would be constructed to the rear of the existing structure and would also include a new deck. The Board noted some incorrect calculations presented on the Dimensional and Parking Information and the Gross Floor Area worksheet, but did discuss how it was evident from the plans that open space and setback requirements of the zoning bylaw were met. In response to questions regarding parking, the Applicant also noted that there were two existing parking spaces and those parking spaces would remain. The Plans submitted indicated that the existing front yard depth is conforming at 28.6 feet and would remain 28.6 feet, the existing left side yard width is 11.7 feet

and would remain 11.7 feet, the existing right side yard width is nonconforming at 8.5 feet and the existing part of the house in the setback would remain, but that the new addition would be setback 11.5 feet from the left lot line, and the existing rear yard depth is conforming at 72.5 feet and would become 55.6 feet, and would remain conforming. The proposed alterations would increase the existing gross floor area from 1469.8 square feet to 2336.82 square feet. At the close of this hearing the board unanimously voted to grant the petitioner a special permit with conditions.

SO VOTED: 4-0